



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

Kelcey
SDMS Document ID

2022822

DEC 3 - 2004

Ref: ENF-RC

Jennifer Sulla
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111

Re: Freedom of Information Act Request
Libby Asbestos Site (#BC)
No. 08-RIN-35-05

Dear Ms. Sulla:

This letter is in response to your Freedom of Information Act request for certain documents concerning the Libby Asbestos Site in Libby, Montana. Pursuant to your email and discussion with Kelcey Land of my staff, you have modified your request at this time. Enclosed are the CDs that contain the releasable site file documents for the Libby Asbestos site. There is no charge for the site file CDs.

If you have any questions, please contact Kelcey Land at 303-312-6393.

Sincerely,

Sharon Kercher, Director
Technical Enforcement Program

Enclosures

cc: Vicki Ferguson, FOIA Officer
Dayle DeArvil, ENF-L
Jim Christensen, EPR-SR



Printed on Recycled Paper

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

One Financial Center
Boston, Massachusetts 02111

Jeffrey R. Porter

617 542 6000
617 542 2241 fax

Direct dial 617 348 1711
JPorter@mintz.com

November 8, 2004

VIA OVERNIGHT DELIVERY

Regional Freedom of Information Office
Region 8, Mail Code: 8-OC
U.S. Environmental Protection Agency
999-18th St., Suite 300
Denver, Colorado 80202-2466

(8) RIW 35-05

EPR Lead
ENF

Re: Libby Asbestos National Priority List Site
Libby, Montana

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Mintz Levin requests all information and/or records (including, but not limited to, documents and computer stored recordations such as memoranda, letters, emails, telephone message slips, calendar entries, notes, and analytical data) that refer or relate to, or address, the following matters:

1. The United States Environmental Protection Agency's ("EPA's") Emergency Response Team's investigation of releases and/or threatened releases of any hazardous substance in Libby, Montana including any information related to the planning and implementation of such investigations.
2. Any response actions, as defined at Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), relating to releases or threatened releases of asbestos in Libby, Montana.
3. Any release or threatened release of asbestos at or from the inactive vermiculite mine located on Vermiculite Mountain.
4. The sampling and analysis of any medium, including but not limited to, air, dust, soil or any building material in Libby, Montana including, but not limited to, the sampling and analysis of any medium at any residences, schools, or business in the vicinity of Libby, Montana.
5. The distribution, at any time, of any vermiculite or vermiculite containing material to residences, schools, or businesses in Libby, Montana.

Boston Washington Reston New York Stamford Los Angeles London

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6. Any studies concerning risks associated with releases and/or threatened releases of asbestos in Libby, Montana, including but not limited to EPA studies conducted in 1980, 1982, 1985, and 1991.
7. W.R. Grace's February 22, 2000 response(s) to EPA's Request for Information pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e).

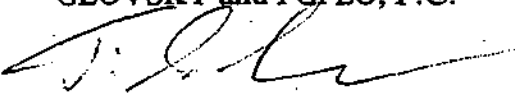
If any public record contains material that is responsive to our request but is not releasable, we ask that you provide the basis and rationale upon which a determination has been made that such records are non-releasable.

We understand that our request will normally be addressed within twenty (20) working days of receipt thereof. We further understand that we may be charged reasonable fees for searching and locating requested records and are agreeable to those terms. We appreciate your prompt attention to this matter.

If you have any questions, please feel free to contact me at 617-348-1711.

Sincerely,

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.



For Jeffrey R. Porter

JRP:tl

LIT 1486837v1



"Sulla, Jennifer"
<JSulla@mintz.com>
11/30/2004 03:52 PM

To: Kelcey Land/ENF/R8/USEPA/US@EPA
cc: "Porter, Jeff" <JPorter@mintz.com>
Subject: November 8, 2004 FOIA Request # 08-RIN-00035-05

Dear Kelcey:

Thank you for calling me back about getting the site file for the above-referenced FOIA request. As we discussed, for this FOIA request, # 08-RIN-00035-05, you will be sending me the site file to respond to Request Nos. 1-6, which will consist of, as I understand it, 5 CDs. Regarding Request No. 7, we have decided for the moment not to seek those documents, but we may decide to seek those documents in the future. Please send the CDs to me at the address below.

If you have any questions or need further information, please do not hesitate to call me.

Sincerely,

Jennifer

Jennifer Sulla
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
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Boston, MA 02111
(617) 348-3092 (phone)
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STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the e-mail to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please notify Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. immediately at either (617) 542-6000 or at ISDirector@Mintz.com, and destroy all copies of this message and any attachments. You will be reimbursed for reasonable costs incurred in notifying us.

Freedom of Information Act Request

08-RIN-00035-05

Requestor: JEFFREY PORTER Request Date: 11/08/2004

Company: MINTZ LEVIN COHN FERRIS GLOVSKY Date Received: 11/10/2004

Fee Category: Commercial Acknowledged: 11/10/2004

Subject: LIBBY ASBESTOS

Lead Office: 08-EPR

Assigned to: 08-EPR, 08-EC/EJ

Assign to Kelcey Land 8/4

Original Due Date: 12/10/2004 New Due Date:

Track: SIMPLE Fee Waiver Requested: NO

FIS Initials: VF

SPECIAL INSTRUCTIONS:

IF COSTS ARE EXPECTED TO EXCEED \$25, CONTACT REQUESTER FOR PAYMENT COMMITMENT BEFORE PROCESSING REQUEST.

REC'D BY:

DATE

** called 11/22 & left VM*